

REMARKS

Claims 1-30 are pending.

Claims 2 and 3 were objected to.

Claims 1 and 4-30 were rejected.

Claims 2, 9, 15, and 18 are cancelled herein.

Claims 1, 3, 8, 10-14, 19, and 21-30 are amended.

Claims 31-34 are new. No new matter is added.

Allowable Subject Matter

The Examiner objected to claims 2 and 3 as being dependent upon a rejected base claim. Without admitting the propriety of the objection, Applicant amends claim 1 to recite the features of claim 2 and any intervening claim, in order to expedite prosecution.

APPLICANT'S COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Although the Applicant's attorney agrees with the Examiner's conclusion that these claims are allowable, the Applicant's attorney notes that the claims may be allowable for reasons other than those identified by the Examiner and does not concede that the Examiner's characterizations of the terms of the claims and the prior art are correct.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1, 4, 6, and 15-17 under 35 U.S.C. § 102(b) over Jin (U.S. Patent 5,880,858).

The rejection of claims 1, 4, 6, and 15-17 is obviated in view of the amendment of claim 1, to recite the features indicated as containing allowable subject matter by the Examiner. As claims 4, 6, 16, and 17 depend from claim 1, they are believed to be patentable over the art for at least the foregoing reasons, as well as for the further novel features recited respectively therein.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claim 5, 7-14, and 18-30 under 35 U.S.C. § 103(a) over Jin (U.S. Patent 5,880,858) and variously in view of Applicant's Background.

The rejection of claims 5 and 7 is obviated in view of the amendment of claim 1, to recite the features indicated as containing allowable subject matter by the Examiner. As claims 5 and 7 depend from claim 1, they are believed to be patentable over the art for at least the foregoing reasons, as well as for the further novel features recited respectively therein.

Claim 8 recites a method of capturing a scanning position of a document in a flatbed scanner with transparent scanning functionality, the flatbed scanner having an optical scan module and an original document plane for supporting the document, the optical scan module moving generally parallel to the original document plane, the method comprising:

- providing a planar light source with a distribution range covering a region of the original document plane to be scanned;

- using the optical scan module to scan the original document plane once to read the distribution range, so as to capture the scanning position of the document on the original document plane;

- changing an orientation of the planar light source to correspond with the scanning position of the document; and

- using the optical scan module to scan the document to obtain an image of the document.

In rejecting claim 8, the Examiner acknowledged that Figure 1 of Applicant's Background fails to disclose reading a distribution range, and instead identified Jin as allegedly disclosing this feature. Specifically, the Examiner cited column 5, lines 10-13 (including Figure 3A) of Jin, which describes scanning a background image of the closed cover.

Jin teaches to scan the background image to identify redundant images such as connection lines to identify an interference with the scanned object. The interference is then cancelled out (col. 5, lines 12-17). In order to identify the background images, Jin teaches that the scanner cover is scanned without any objects (i.e. documents) in the scanner (col. 5 lines 10-11). Since Jin teaches to scan the background image without any document being present, Applicant respectfully submits that Jin may not be understood to disclose *using the optical scan module to scan the original document plane once to read the distribution range, so as to capture the scanning position of the document on the original document plane*, since the document of Jin is not yet present to be scanned.

Furthermore, Applicant respectfully submits that both Figure 1 of Applicant's Background and Jin fail to disclose *changing an orientation of the planar light source to correspond with the scanning position of the document*. Figure 1 of Applicant's Background

illustrates that light from the transparency adapter 120 passes through the transparent film holder 110 via the scan window 112 in a fixed orientation. Similarly, Jin is silent as to an orientation of the planar light source. Rather Jin teaches that the entire window is first scanned, prior to comparing pixels of every vertical column with a low threshold value in performing the auto-cropping method (col. 1, lines 43-63). One skilled in the art would therefore assume that the orientation of Jin's light source is conventional, and similar to that described with respect to Figure 1 of Applicant's Background.

Claim 21 is believed to be allowable for similar reasons as claim 8. As claims 9-14, 20, and 22-30 depend from claim 8 or 21, they are believed to be patentable over the art for at least the foregoing reasons, as well as for the further novel features recited respectively therein. Accordingly, withdrawal of the rejection of claims 5, 7-14 and 20-30 is respectfully requested.

New Claims

Claims 31-34 are new. Claims 31-34 are believed to be allowable at least for the reason that the cited references do not disclose an arbitrary angle, in addition to the other novel features recited therein. Applicant further notes that Jin's auto-cropping method would always result in a cropped image sharing the same orientation as the vertical and horizontal movement of the scanning module, as a result of comparing pixels on a per-column basis to determine a dot-intensity (col. 1, line 55 to col. 2, line 2).

Any statements made by Examiner that are not addressed by Applicant do not necessarily constitute agreement by the Applicant. In some cases, Applicant may have amended or argued the allowability of independent claims thereby obviating grounds for rejection of the dependent claims.

Conclusion

For the foregoing reasons, reconsideration and allowance of the pending claims is respectfully requested. The Examiner is requested to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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A handwritten signature in cursive script, reading "Bryan Kirkpatrick", written over a horizontal line.

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